IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.MC.No. 811 of 2007()

C.R.NO.42/04 OF EXCISE RANGE OFFICE, THIRUVANANTHAPURAM.

PETITIONER:

K. SASI, S/O. KUMARA PIALLI,
MANAKKALA HOUSE,
KUNNATHUKAL,
THACHANCODE,
KARAKONAM P.O.,
NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

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1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
EXCISE RANGE,
THIRUVANANTHAPURAM.

BY P.P. SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 811 OF 2007

Dated this the 21st day of March, 2007

ORDER

The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.42/04 of the Excise Range Office, Thiruvananthapuram, against the petitioner are hereby quashed.

(R. BASANT, JUDGE)

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